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EXAMINER

NGUYEN, HUY THANH

ART UNIT PAPER NUMBER

2616

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/744,055

Applicant(s)

AUSTIN, KENNETH

Examiner

HUY T. NGUYEN

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13-28 is/are pending in the application.
- 4a) Of the above claim(s) 1-11, 13-16 and 21-28 is/are withdrawn from consideration.
- 5) ☒ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Claims 1-11,13-16 and 21-28 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 07 November 2005.

Applicant's election with traverse of 17-20 in the reply filed on 07 November 2005 is acknowledged. The traversal is on the ground(s) that claims 1-11,13-13 of Group I and claims 17-20 of Group II should be forma as a single invention .

This is not found persuasive because the inventions of group I claims 1-11 and 13-16 and 17-20 are different from each other . Claims 1-11 and 13-16 do not require any means or step to verify a signal ,data or absent signal to determine power status or terminate the operation of a recorder or media device and claims 17-20 does not require means or step for identifying the image or audio stored in a memory.

The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 17 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Sugiyama et al (5,815,631).

Regarding claim 17, Sugiyama disclose a closed loop video recorder or other media device control system for determining the status of a video recorder or other media device, the system comprising means to (1) issue a play command or code or sequence, (2) verify that signals or data are received, (3) use said signals or data or absence of signals or data to determine if said video recorder or other media device is powered on (Figs. 3-10, column 9, lines 25-60, column 10, lines 25-60).

Regarding claim 20, Sugiyama discloses a system for controlling a video recorder or other media device for selective enabling and disabling of associated functions, comprising the steps of, (1) periodically assessing the presence or content of signals and/or data output from said video recorder or other media device to determine if the device is operating, determining if said video recorder or other media device is scheduled and/or permitted to operate at the time of assessing the signals and/or data, (3) if required, issues command or code or sequence to disable said video recorder or other media device by a power off command and/or a stop command and/or a pause or other command (Figs. 3-10, column 9, lines 25-60, column 10, lines 25-60).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claim 18 is are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiyama in view of Kim (6,351,595).

Regarding claim 18, Sugiyama fails to teaches checking that the tape or media position is substantially unchanged from a predetermined position, (2) issuing a record command or code or sequence.

Kim teaches a apparatus a recorder having a control means for checking a tape position is substantially unchanged from a predetermined position (the position of the medium where the user pauses a recording operation stored in a memory, Figs. 5-6) and issuing a record command or code or sequence.

It would have been obvious to one of ordinary skill in the art to modify Sugiyama with Kim by using a control means as taught Kim with the apparatus of Sugiyama for checking a tape position thereby enhancing the capacity of recorder of Sugiyama to prevent error in recording .

6. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiyama in view of Young (6,850,693).

Regarding claim 19, Sugiyama fails to teach the step of verifying the signals or data received from said video recorder or other media device correspond to a selected program designated for recording.

Young teaches a recorder having a control means for verifying the signals from recorder apparatus correspond to the selected designated program for recording (Fig. 22, column 13).

It would have been obvious to one of ordinary skill in the art to modify Sugiyama with Young by providing Sugiyama with a control means as taught by Young for generating and verifying the signals correspond to the selected designated program for recording thereby accurately access information for recording .

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.N

  
HUY NGUYEN  
PRIMARY EXAMINER